

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2009 – SB 2011

April 11, 2018

**SUMMARY OF ORIGINAL BILL:** Requires directors of schools to report certain convictions by an educator to the State Board of Education (SBE). Requires the SBE to reprimand the educator for failure to report convictions and to adopt a policy governing discipline of licensed personnel for misconduct. Authorizes the SBE to adopt policies governing reprimands of educators for violations of the teacher code of ethics.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (013345, 015792):** Amendment 013345 deletes and replaces all language after the enacting clause such that the only substantive changes are: (1) to include charter and other non-public schools in the provisions of the legislation; (2) to require local education agencies (LEAs) to report suspended, dismissed, or employees that have resigned following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension or revocation under SBE rule; (3) to include more detailed information about the types of prohibited sexual misconduct; and (4) to change from July 1, 2019 to July 1, 2018, the date in which parts of the legislation become effective.

Amendment 015792 authorizes the State Board of Education (SBE) to discipline licensed personnel for misconduct by reprimand, suspension, or revocation of licenses and certificates in compliance with the Uniform Administrative Procedures Act. Upon being re-instated, requires the petitioner's salary to be paid in full for the time in which their license was suspended or revoked

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Other Fiscal Impact – To the extent any teacher is awarded back pay related to a suspension or revocation imposed by State Board of Education (SBE), there will be an increase in state expenditures if the SBE is responsible for such payments; or a mandatory increase in local expenditures if the respective local education agency is responsible for payments and the legislation results in an increase in the total number of reinstatements.\* The extent and timing of any such increased expenditures cannot be reasonably determined for they are dependent upon future unknown actions of the SBE.**

Assumptions for the bill as amended:

- Under current SBE rules, directors of schools are required to report educators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation.
- The SBE will be able to implement the reprimand requirement in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact related to educator reprimands is estimated to be not significant.
- Under Tenn. Code Annotated § 49-5-511(a)(3), a director of schools may suspend a teacher. If vindicated or reinstated, the teacher shall be paid the full salary by the LEA for the period during which the teacher was suspended.
- Under the legislation, the SBE would have the power to suspend teachers; however, the legislation does not clearly identify the entity that would be responsible for back pay in instances of teacher suspensions. To the extent the SBE is responsible; there would be an increase in state expenditures; but if the LEA remains responsible, and there is an increase in the total number of suspensions and reinstatements, there would be a mandatory increase in local expenditures. The extent and timing for any increased expenditures cannot be quantified for they are dependent upon future unknown actions of the SBE.
- The SBE will be able to implement the reprimand requirement in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to local government operations.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee" followed by a small, stylized monogram or initials.

Krista M. Lee, Executive Director

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